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9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 JAMES R. MCDANIEL,

16 Defendant.
17
18

No. CR 18-839-SJO

[PROPOSED] ORDER CONTINUING TRIAL
DATE AND FINDINGS REGARDING
EXCLUDABLE TIME PERIODS PURSUANT
TO SPEEDY TRIAL ACT

**[PROPOSED] TRIAL DATE: August 6,
2019**

19 The Court has read and considered the Stipulation Regarding
20 Request for (1) Continuance of Trial Date and (2) Findings of
21 Excludable Time Periods Pursuant to Speedy Trial Act, filed by the
22 parties in this matter on February 5, 2019. The Court hereby finds
23 that the Stipulation, which this Court incorporates by reference into
24 this Order, demonstrates facts that support a continuance of the
25 trial date in this matter, and provides good cause for a finding of
26 excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161.

27 The Court further finds that: (i) the ends of justice served by
28 the continuance outweigh the best interest of the public and

1 defendant in a speedy trial; (ii) failure to grant the continuance
2 would be likely to make a continuation of the proceeding impossible,
3 or result in a miscarriage of justice; and (iii) failure to grant the
4 continuance would unreasonably deny defendant continuity of counsel
5 and would deny defense counsel the reasonable time necessary for
6 effective preparation, taking into account the exercise of due
7 diligence.

8 THEREFORE, FOR GOOD CAUSE SHOWN:

9 1. The trial in this matter is continued from February 12,
10 2019 to August 6, 2019.

11 2. The time period of February 12, 2019 to August 6, 2019,
12 inclusive, is excluded in computing the time within which the trial
13 must commence, pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i),
14 and (B)(iv). Under the Speedy Trial Act, the last day for trial to
15 commence would be August 20, 2019.

16 3. Nothing in this Order shall preclude a finding that other
17 provisions of the Speedy Trial Act dictate that additional time
18 periods are excluded from the period within which trial must
19 commence. Moreover, the same provisions and/or other provisions of

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1 the Speedy Trial Act may in the future authorize the exclusion of
2 additional time periods from the period within which trial must
3 commence.

4 IT IS SO ORDERED.

5
6 _____
7 DATE

_____ HONORABLE S. JAMES OTERO
UNITED STATES DISTRICT JUDGE

8
9
10 Presented by:

11 _____
12 /s/
RUTH C. PINKEL
Assistant United States Attorney